



2615 IFW  
PATENT  
450100-03424

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

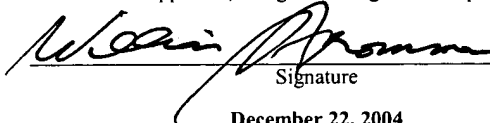
Applicant(s) : Osamu Hamada.  
Serial No. : 09/940,551  
For : RADIO TRANSMISSION DEVICE AND METHOD,  
RADIO RECEIVING DEVICE AND METHOD, RADIO  
TRANSMITTING/RECEIVING SYSTEM, AND  
STORAGE MEDIUM  
Filed : August 27, 2001  
Examiner : Creighton H. Smith  
Art Unit : 2645

745 Fifth Avenue  
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 22, 2004.**

William S. Frommer, Reg. No. 25,506

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

  
\_\_\_\_\_  
Signature

December 22, 2004

\_\_\_\_\_  
Date of Signature

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 3, 2004, please consider the following remarks, which should result in the allowance of the above-identified application.

In light of the accompanying Certified English Translation, reconsideration and allowance of this application are respectfully solicited.

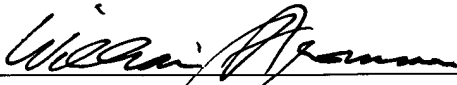
Claims 1, 4, 11, 12, 15, 22, 23, 26, 32, 33, 36, 42, 43 and 52 have been rejected in view of Published U.S. Application 2002/0000831 (Smith). In particular, claims 1, 11, 12, 22, 23, 32, 33, 42, 43 and 52 were rejected as allegedly being anticipated by Smith; and claims 4, 15, 26 and 36 were rejected as allegedly being obvious in view of Smith and Katsuki (U.S. Patent 6,798,447).

The Examiner kindly indicated that the remaining claims, namely, claims 2, 3, 5-10, 13, 14, 16-21, 24, 25, 27-31, 34, 35, 37-41 and 44-51 define allowable subject matter.

The present application is entitled to the Japanese priority filing date of August 28, 2000. This priority date antedates the June 26, 2001 U.S. filing date to which Smith is entitled. Enclosed herewith is a verified English translation of Japanese priority application 2000-256617, from which it will be seen that claims 1, 4, 11, 12, 15, 22, 23, 26, 32, 33, 36, 42, 43 and 52 are fully supported by this Japanese priority application. In view of the earlier effective filing date of the present application, the Smith reference is not available as prior art with respect hereto. It is, therefore, requested that this reference be removed and that the rejection of claims 1, 4, 11, 12, 15, 22, 23, 26, 32, 33, 36, 42, 43 and 52 as being anticipated or rendered obvious by Smith be withdrawn. See MPEP 201.15.

It is respectfully submitted that the instant application is in condition for allowance; and  
an early notice to this effect is respectfully solicited.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:   
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Enc. - Certified English Translation of  
Japanese Application 2000-256617